



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, DECEMBER 29, 2005
WWW.USDOJ.GOV

CRM
(202) 514-2008
TDD (202) 514-1888

CHIEF IMMIGRATION JUDGE ORDERS FORMER NAZI GUARD JOHN DEMJANJUK REMOVED TO UKRAINE

WASHINGTON, D.C. – Chief Immigration Judge Michael J. Creppy has ordered the removal to Ukraine of Ivan Demjanjuk, 85, on the basis of his service during World War II as an armed guard at a Nazi extermination camp and two concentration camps in German-occupied Poland, Assistant Attorney General Alice S. Fisher of the Criminal Division announced today.

In his ruling yesterday, Judge Creppy rejected Demjanjuk's claim that he was likely to be prosecuted for war crimes and tortured if he is sent to his native Ukraine.

"The chief immigration judge's decision reaffirms the important principle that the United States will continue to track down and remove individuals who assisted the Nazis in their brutal campaign of terror, and secure a measure of justice on behalf of the Nazis' victims," said Assistant Attorney General Fisher.

As a former guard at the Sobibor extermination camp in Nazi-occupied Poland, Demjanjuk – a retired auto-worker from Cleveland, Ohio – is only the second person ever brought to court in the United States for having served at one of the four Nazi camps constructed solely to murder people.

Yesterday's decision follows the government's successful prosecution of a denaturalization case against John Demjanjuk in federal court. In 2002, following trial, Chief Judge Paul R. Matia of the U.S. District Court for the Northern District of Ohio found that Demjanjuk served as an armed guard at Sobibor, where 250,000 men, women, and children were

murdered; at the Majdanek concentration camp, where at least 170,000 civilians died; at the Flossenbürg concentration camp, where some 30,000 civilians perished; and as a member of a unit trained to implement a Nazi program to dispossess, exploit, and murder Jews in Poland. In revoking Demjanjuk's U.S. citizenship, Judge Matia specifically found that Demjanjuk participated in "the process by which thousands of Jews were murdered by asphyxiation with carbon monoxide" in the gas chambers at Sobibor. That decision was upheld by a federal appeals court last year, and the government commenced removal (deportation) proceedings last December. On June 16, 2005, Judge Creppy, citing Judge Matia's conclusive findings, found that Demjanjuk was subject to removal from the United States but allowed him to apply for deferral of removal under the United Nations Convention Against Torture.

In yesterday's 13-page decision rejecting that application, Judge Creppy found that Demjanjuk could not meet his burden of proving he would likely be tortured if removed to Ukraine, especially in light of the fact that Ukraine has yet to prosecute or convict "a single person as a Nazi war criminal despite the United States government's encouragement and willingness to assist." He also found that Ukraine was "engaged in a significant effort to . . . meet international human rights standards" and concluded that even if Demjanjuk were to be arrested and prosecuted by Ukrainian authorities, mistreatment "would be very unlikely in cases involving high profile individuals" such as Demjanjuk.

"Thousands of Jews were murdered in the gas chambers of Sobibor, and John Demjanjuk helped seal their fate," said Eli M. Rosenbaum, Director of the Justice Department's Office of Special Investigations (OSI), which investigated and prosecuted the case. "Our goal now is to remove Mr. Demjanjuk from this country as quickly as possible, and this decision is an important step toward achieving that goal."

The removal case was litigated by OSI Senior Trial Attorney Stephen Paskey and Trial Attorney Adam Fels. Since OSI began operations in 1979, it has won cases against 101 individuals who assisted in Nazi persecution. In addition, more than 170 individuals who sought to enter the United States in recent years have been blocked from doing so as a result of OSI's "Watch List" program, which is enforced in cooperation with the Department of Homeland Security.

#

05-696